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SIPDIS

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SOUTHCOM ALSO FOR POLAD

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TAGS: [PBTS](#) [EWWT](#) [ETRD](#) [EPET](#) [PHSA](#) [TT](#) [BB](#) [GY](#) [VE](#) [XL](#)

SUBJECT: WIN-WIN OR LOSE-LOSE: MARITIME BORDER DISPUTE  
RESOLVED?

[¶1.](#) (U) SUMMARY: On April 11, the Permanent Court of Arbitration in The Hague handed down its ruling finally establishing a single maritime boundary between Barbados and Trinidad and Tobago. The new border differs from those claimed by each of the parties in their pleadings, yet both countries are claiming victory. The decision also affirms Barbados' right to explore hydrocarbon reserves beyond its previous Exclusive Economic Zone (EEZ). The Arbitral Tribunal declined to render a decision on a fisheries regime, obligating Barbados and Trinidad and Tobago to negotiate in good faith an agreement which will ensure the conservation and development of wildlife, while according Barbadian fisherfolk access to fisheries within Trinidad and Tobago's EEZ. End Summary.

[¶2.](#) (U) In an April 11 press release, the Permanent Court of Arbitration in the Hague announced its ruling on the two-year maritime boundary case between the governments of Barbados (GOB) and Trinidad and Tobago (GOTT). The ruling established a single maritime boundary which differs from the claims of both parties.

HISTORY

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[¶3.](#) (U) Barbados initiated arbitration proceedings on February 16, 2004, after the arrest of two Barbadian fishermen and the confiscation of their catch by GOTT Coast Guard officers who charged them with fishing illegally in GOTT waters, putting an end to ongoing fisheries negotiations. At the real heart of the quarrel, however, is access to and exploitation rights for oil and gas resources in the largest portion of the disputed area, some 30,000 square miles.

[¶4.](#) (U) A dispute of this nature is not surprising, since the proximity of these island states locates them within each other's EEZ. An EEZ is a seazone over which a state has special rights over the exploration and use of marine resources, generally defined as 200 nautical miles out from its coast, except where it would encroach on another country's territorial waters (12 nautical miles). Demarcation agreements are common in the international fishing industry, but enforcement is limited to the capabilities of individual countries to police their territory. Violations are commonplace.

RESULTS

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15. (U) The boundary set by the Arbitral Tribunal seems to represent an equitable compromise. Beginning at the previously agreed median line, it extends north-west in favor of Trinidad and Tobago's claim and south-east in favor of Barbados' claim. It also minimally extends GOTT's continental shelf to the south-east where it meets with Venezuela's maritime boundary, giving GOTT claim to an additional 315 nautical miles. This apportionment is in contrast to the 30,000 square nautical miles of seabed claimed in GOTT's original proposal.

16. (U) The Tribunal held that it lacked jurisdiction to render a substantive decision regarding the fisheries dispute, and charged GOTT and GOB to come to an agreement which would "ensure conservation and development of flyingfish stocks, and to negotiate in good faith and conclude an agreement that will accord fisherfolk of Barbados access to fisheries with the Exclusive Economic Zone of Trinidad and Tobago."

IN YOUR FACE  
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17. (U) Media reports say that both countries are claiming total victory in the resolution, although both have lost ground on their original objectives. Trinidad media reports are touting the decision as "historic," claiming that it confirms the "integrity of the unitary state of Trinidad and Tobago," and that Barbados claims to historic and fundamental access to fisheries off of Tobago were unsubstantiated. Barbados media reports that the GOB is claiming a "99 percent" victory, noting that Trinidad and Tobago's claim to nearly 30,000 square nautical miles was denied, giving the GOTT only 1 percent of what they were seeking and Barbados

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exclusive right to exploit hydrocarbon reserves under the seabed in its EEZ.

ALL ABOUT OIL  
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18. (U) The real gain for Barbados is in oil exploration rights; it has already begun courting international oil companies, including ESSO and Shell, to begin talks on developing these resources. Barbados' goal is to supplement its current production rate of 1200 barrels per day, ultimately aiming to meet its consumption rate of 8000 barrels per day.

COMMENT  
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19. (U) While shrouded in claims of ancient fishing rites and territorial unity, this dispute is more about oil exploration than traditional fishing holes. Both parties still need to negotiate fishing rights agreements, and despite an initially triumphant response from Trinidad, an amicable bilateral agreement regarding fishing rights is unlikely in the near term. Additionally, Barbados officials believe this case could set the precedent for future maritime claims, such as that of Guyana against Venezuela.

KRAMER